

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #2	CCRB Case #: 201806001	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/21/2018 , Sunday, 07/22/2018 4:30 AM	Location of Incident: Brooklyn Central Booking	Precinct: 84	18 Mo. SOL 1/22/2020	EO SOL 1/22/2020	
Date/Time CV Reported Tue, 07/24/2018 12:01 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/24/2018 12:01 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Tatmeng Vong	5922	951405	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Young	05355	954437	NARCBBN
2. LT Leon McGuire	00000	928753	BKLN CT
3. SGT Andre Gayle	01527	943288	BKLN CT

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Tatmeng Vong	Force: Detective Tatmeng Vong used physical force against § 87(2)(b) [REDACTED]	

## Case Summary

On July 24, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone. On July 24, 2018, Sergeant Bryan Verdolino of the 79<sup>th</sup> Precinct also reported this complaint to IAB via telephone on § 87(2)(b) behalf. The complaint was received by the CCRB on August 7, 2018 via IAB log #2018-29667 (See Board Review #01-02: Intake Materials).

On the evening of July 21, 2018, § 87(2)(b) was arrested after he allegedly sold marijuana to an undercover officer. He was placed in the custody of Detective Tatmeng Vong and Police Officer John Young of Brooklyn North Narcotics, who transported him to the 79<sup>th</sup> Precinct stationhouse for arrest processing. § 87(2)(b) allegedly suffered a stroke while in custody. He was transported to § 87(2)(b). He was released from the hospital later that night. He was returned to the stationhouse briefly before being transported to Brooklyn Central Booking. Due to his medical issues, § 87(2)(b) was held in an individual holding cell separate from the other prisoners. Detective Vong and Police Officer Young monitored § 87(2)(b) while he was in the cell.

At approximately 4:30 a.m. on July 22, 2018, § 87(2)(b) allegedly began vomiting inside of his cell. A supervisor at Central Booking, Sergeant Andre Gayle of the Brooklyn Court Section, ordered Detective Vong and Police Officer Young to take § 87(2)(b) to a hospital. Detective Vong and Police Officer Young placed § 87(2)(b) in handcuffs and leg shackles. Detective Vong then allegedly struck § 87(2)(b) head against the wall of the cell (**Allegation A: Force – Physical force, § 87(2)(g)**). § 87(2)(b) was then removed from the cell and transported to § 87(2)(b). He was released later that day and returned to Central Booking for his arraignment.

No video footage was found from this incident.

## Findings and Recommendations

### Allegation (A) Force: Detective Tatmeng Vong used physical force against § 87(2)(b)

§ 87(2)(b) provided a telephone statement to the Chief of Detectives Investigations Unit on August 8, 2018 (See Board Review #03-04: Telephone Statement). He was interviewed at the CCRB on September 11, 2018. Police Officer Young was interviewed at the CCRB on December 18, 2018. Detective Vong and Lieutenant Leon McGuire of the Brooklyn Court Section were interviewed on December 27, 2018. Sergeant Gayle was interviewed on January 17, 2019.

It is undisputed that § 87(2)(b) was transported from his holding cell at Central Booking to § 87(2)(b). § 87(2)(b) declined to leave his holding cell at Central Booking voluntarily. As a result, Detective Vong and Police Officer Young entered his holding cell, restrained him, and escorted him out of the cell. No other officers assisted them in this action.

§ 87(2)(b) stated that Detective Vong and Police Officer Young entered his holding cell and told him that he was being taken back to the hospital. The two officers placed § 87(2)(b) in handcuffs and leg shackles without difficulty. § 87(2)(b) told the officers that the restraints had

been applied too tightly. Detective Vong responded by grabbing § 87(2)(b) head and slamming the left side of his head against the wall of the cell. This action caused a lump on § 87(2)(b) head. He did not suffer any further injuries. The officers did not use any other force against him during this incident.

Detective Vong and Police Officer Young both stated that Sergeant Gayle directed them to transport § 87(2)(b) to the hospital. When the officers entered the holding cell to retrieve § 87(2)(b) he stated that he did not want to go to the hospital and backed away from them. The officers grabbed § 87(2)(b) by his arms, pulled them behind his back, and applied their handcuffs. Both officers denied that Detective Vong forcefully pushed § 87(2)(b) head against a wall. Detective Vong denied that § 87(2)(b) was pushed or held against any surfaces in the cell. Police Officer Young stated that § 87(2)(b) was held against a wall as they applied his handcuffs, but he denied that § 87(2)(b) was forcibly pushed against the wall. Both officers denied that they used any force against § 87(2)(b). They were unaware of § 87(2)(b) sustaining any injuries during this incident.

Neither Sergeant Gayle nor Lieutenant McGuire recalled this incident. They were unfamiliar with § 87(2)(b) and did not recognize a photograph of him. Neither officer recalled the events of July 22, 2018. They did not recall any officers removing a prisoner from a holding cell at the time. They did not recall any officers using force against a prisoner at the time, including an officer slamming a prisoner's head against a wall.

Police Officer Young prepared a TRI report to document § 87(2)(b) removal from his holding cell. The report indicates that § 87(2)(b) was "forced against the wall" in order to overcome his physical resistance and handcuff him. No other force was noted on the report. § 87(2)(b) was not injured as a result of this force (See Board Review #05: TRI Report).

§ 87(2)(b) medical records from § 87(2)(b) state that he complained of pain in his head caused by "trauma" that occurred during an ambulance ride during his treatment at § 87(2)(b) on § 87(2)(b). § 87(2)(b) did not display any visible signs of trauma on his head. § 87(2)(b) was given ibuprofen for his pain before being released from the hospital (See Board Review #06: Medical Records).

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### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (See Board Review #07: Civilian CCRB History).
- Detective Vong has been a member of the service for seven years and has been a subject in two previous CCRB complaints and three allegations, none of which were

substantiated. § 87(2)(g)

**Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on January 23, 2019. It will be included in the case file upon receipt.
- § 87(2)(b) criminal trial resulting from this incident is still open. His next court date is on § 87(2)(b).
- According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (See Board Review #08: Civilian Conviction History).

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date